

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

RONALD JOHN THIBODEAUX, )  
Plaintiff, )  
v. ) No. 3:14-CV-513-PLR-CCS  
CAROLYN W. COLVIN, )  
Commissioner of Social Security, )  
Defendant. )

## **ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

On December 16, 2016, the Court entered an Order to Show Cause [Doc. 21], directing the Commissioner to explain why she failed to file a dispositive motion and brief in support as ordered by the Court and why the Court should not preclude such filing at this late date. In her response and accompanying affidavit, counsel for the Commissioner states she “inadvertently neglected to place the filing deadline on her work calendar and also accidentally overlooked draft remand documents sent by agency counsel in April 2016.” [Doc. 22 at 2; see Doc. 23 at 1-2]. Counsel submits that the Court needs full briefings from both parties to make an informed, just decision, and that missing the instant deadline “is not sufficient reason to deprive the Court of the information it needs to rule in this case.” [Doc. 22 at 2]. The Commissioner requests that she be permitted to file, out of time, a motion for remand pursuant to sentence four of 42 U.S.C. § 405(g). The Commissioner has attached a proposed motion, memorandum in support, and order, to demonstrate they are ready for immediate filing. [Docs. 22-1, 22-2, & 22-3].

Although the Court is reluctant to accept pleadings that are not timely filed, the Court finds that the Commissioner has shown good cause in this case for the late filing. The Commissioner's request that she be given leave to file a motion for remand is **GRANTED**. The Commissioners is **DIRECTED** to immediately file her proposed Motion for Entry of Judgment with Remand Under Sentence Four of 42 U.S.C., § 405(g), Memorandum in Support, and Order of Remand Under Sentence Four of 41 U.S.C. § 405 (g) [Docs. 22-1, 22-2, & 22-3] as her operative pleading.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge